

BILL LOCKYER, Attorney General
of the State of California
SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2083
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

IOAN BOB, JR.
776 S. Ponderosa Street
Orange, CA 92866

Respiratory Care Practitioner
License No. 19217

Respondent.

Case No. R-2021

**ACCUSATION AND
PETITION TO REVOKE
PROBATION**

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about January 7, 1997, the Respiratory Care Board issued Respiratory Care Practitioner License No. 19217 to IOAN BOB, JR. (Respondent). The Respiratory Care Practitioner License was in effect at all times relevant to the charges brought herein and will expire on May 31, 2006, unless renewed.

3. In a Respiratory Care Board's Decision and Order effective July 18, 2005, in the Matter of the Accusation Against IOAN BOB, JR., Case No. R-1882, Respondent's

1 Respiratory Care Practitioner License was revoked, however, the revocation was stayed and
2 Respondent's license was placed on probation for a period of one (1) year with certain terms and
3 conditions. A copy of that decision is attached hereto as Exhibit A and incorporated by reference
4 as if fully set forth herein.

5 JURISDICTION

6 4. This Accusation and Petition to Revoke Probation is brought before the
7 Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the
8 following laws. All section references are to the Business and Professions Code unless otherwise
9 indicated.

10 5. Section 3710 of the Code states, in pertinent part that: "the Respiratory Care
11 Board of California, shall enforce and administer the provisions of the Respiratory Care Practice
12 Act.

13 6. Section 3718 of the Code states: "The board shall issue, deny, suspend, and
14 revoke licenses to practice respiratory care as provided in this chapter."

15 7. Section 3750 of the Code states, in pertinent part:

16 "The board may order the denial, suspension or revocation of, or the imposition of
17 probationary conditions upon, a license issued under this chapter, for any of the following
18 causes:

19 "...

20 "(d) Conviction of a crime that substantially relates to the qualifications, functions,
21 or duties of a respiratory care practitioner. The record of conviction or a certified copy
22 thereof shall be conclusive evidence of the conviction.

23 "...

24 "(g) Conviction of a violation of any of the provisions of this chapter or of
25 any provision of Division 2 (commencing with Section 500), or violating, or
26 attempting to violate, directly or indirectly, or assisting in or abetting the violation
27 of, or conspiring to violate any provision or term of this chapter or of any provision
28 of Division 2 (commencing with Section 500).

1 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
2 include attorney general or other prosecuting attorney fees, expert witness fees, and
3 other administrative, filing, and service fees."

4 11. Section 3753.1 of the Code states, in pertinent part:

5 "(a) An administrative disciplinary decision imposing terms of probation may
6 include, among other things, a requirement that the licensee-probationer pay the
7 monetary costs associated with monitoring the probation."

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Conviction of a Crime)

10 12. Respondent is subject to disciplinary action under Code sections 3750(d) and
11 3750(g), in that he was convicted of a crime substantially related to the qualifications, functions, or
12 duties of a respiratory care practitioner. The circumstances are as follows:

13 A. On or about May 25, 1999, a Complaint was filed in Superior Court of
14 the State of California, County of Orange, North Justice Center, entitled, *The People*
15 *of the State of California v. Ioan Bob, Jr.*, Case No. 99NM07775, charging
16 Respondent with one count of driving under the influence of alcohol and drugs in
17 violation of Vehicle Code section 23152(a) [Count 1], and one count of driving with a
18 blood alcohol of .08% or more in violation of Vehicle Code section 23152(b) [Count
19 2].

20 B. On or about September 30, 1999, Respondent pled guilty to and was
21 convicted of Counts 1 and 2 of the Complaint. The imposition of sentence was
22 suspended and Respondent was granted three years of informal probation with terms
23 and conditions.

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28 **SECOND CAUSE FOR DISCIPLINE**

(Dishonesty)

13. Respondent is further subject to disciplinary action in that he engaged in acts of dishonesty under Code section 3750(j), in that he failed to disclose the May 25, 1999 conviction on his license renewal application dated May 11, 2000, and also failed to disclose the conviction on his Probation Initial Compliance Report Form signed August 16, 2005. The circumstances are as follows:

A. Complainant incorporates paragraph 12 above as if fully realleged.

B. On or about May 11, 2000, Respondent signed his license renewal application under penalty of perjury. On the license renewal application, Respondent falsely answered "No" to the following question: "Since you last renewed your license, have you been convicted of or pled nolo contendere to any violation of any law of any state, the United States or a foreign country? You must disclose all misdemeanors and felonies (including but not limited to Civil, Welfare, Health and Safety, Vehicle, or Penal Code convictions) and any conviction which has been dismissed under section 1203.4 of the Penal Code."

C. On or about August 16, 2005, Respondent signed his Initial Compliance Report form under penalty of perjury stating "that all statements made are true in every respect, and understand that misstatements or omissions of material fact may be cause for revocation of probation."

CAUSES TO REVOKE PROBATION

(Obey all Laws - Condition 2)

(Probation Monitoring Program - Condition 4)

(Violation of Probation - Condition 12)

14. At all times after the effective date of Respondent's probation, Condition 2 stated:

"Respondent shall obey all laws, whether federal, state, or local. Respondent shall also obey all regulations governing the practice of respiratory care in California.

"Respondent shall notify the Board in writing within 14 days of any incident resulting in his arrest, or charges filed against, or a citation issued against, Respondent."

15. At all times after the effective date of Respondent's probation, Condition 4

1 stated:

2 “Respondent shall comply with requirements of the Board appointed
3 probation monitoring program, and shall, upon reasonable request, report to or
appear to a local venue as directed.

4 “Respondent shall claim all certified mail issued by the Board, respond to
5 all notices of reasonable requests timely, and submit Annual Reports, Identification
6 Update reports or other reports similar in nature, as requested and directed by the
Board or its representative.

7 “Respondent is encouraged to contact the Board's Probation Program at any
time he has a question or concern regarding his terms and conditions of probation.

8 “Failure to appear for any scheduled meeting or examination, or cooperate
9 with the requirements of the program, including timely submission of requested
information, shall constitute a violation of probation and will result in the filing of
10 an accusation and/or a petition to revoke probation against Respondent's respiratory
care practitioner license.”

11 16. At all times after the effective date of Respondent's probation, Condition

12 12 stated:

13 “If Respondent violates any term of probation in any respect, the Board,
14 after giving Respondent notice and the opportunity to be heard, may revoke
probation and carry out the disciplinary order that was stayed. If a petition to
15 revoke probation is filed against Respondent during the period of probation, the
Board shall have continuing jurisdiction and the period of probation shall be
16 extended until the matter is final. No petition for modification of penalty shall be
considered while there is an accusation, petition to revoke probation, or other
17 penalty pending against Respondent.”

18 17. Respondent's probation is subject to revocation because he failed to comply
19 with Probation Conditions 2, 4 and 12, referenced above. The facts and circumstances regarding
20 these violations are as follows: In 1999, Respondent was convicted of violating Vehicle Code
21 sections 23152(a) and 23152(b). Respondent failed to disclose the 1999 conviction on his
22 Probation Initial Compliance Report form dated August 16, 2005. Respondent signed under
23 penalty of perjury that the information on the Probation Initial Compliance Report form was true
24 and correct. The failure to disclose the criminal conviction is an act of dishonesty in violation of
law, and in violation of Respiratory Care laws and regulations.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Respiratory Care Board issue a decision:
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1 1. Revoking the probation that was granted by the Respiratory Care Board of
2 California in Case No. R-1882 and imposing the disciplinary order that was stayed thereby
3 revoking Respiratory Care Practitioner License No. 19217 issued to IOAN BOB, JR.;

4 2. Revoking or suspending Respiratory Care Practitioner License No. 19217,
5 issued to IOAN BOB, JR.;

6 3. Ordering IOAN BOB, JR. to pay the Respiratory Care Board the costs of
7 the investigation and enforcement of this case, and if probation is continued or extended, the costs
8 of probation monitoring;

9 4. Taking such other and further action as deemed necessary and proper.

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11 DATED: April 11, 2006

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13 Original signed by Liane Zimmerman for:
14 STEPHANIE NÚNEZ
15 Executive Officer
16 Respiratory Care Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant
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